

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST LABOR ORGANIZATION  
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
19-CB-225896	8-17-18

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name International Brotherhood of Teamsters, Local 305		b. Union Representative to contact (b) (6), (b) (7)(C) union rep for NW packing (b) (6), (b) (7)(C)	
c. Address (Street, city, state, and ZIP code) Teamsters Local 305 1870 NE 162nd Ave Portland OR 97230		d. Tel. No. 503-251-2345	(b) (6), (b) (7)(C)
		f. Fax No.	g. e-Mail
h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) (A)(1) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Within the past six months the Union failed to initiate a grievance alleging a wrongful termination on behalf of (b) (6), (b) (7)(C) for reasons that are arbitrary, discriminatory or capricious.			
3. Name of Employer NW Packing		4a. Tel. No. 360-696 4386	b. Cell No.
		c. Fax No.	d. e-Mail
5. Location of plant involved (street, city, state and ZIP code) 1701 W 16th St. Vancouver WA		6. Employer representative to contact (b) (6), (b) (7)(C)	
7. Type of establishment (factory, mine, wholesaler, etc.) cannery	8. Identify principal product or service	9. Number of workers employed	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No. (b) (6), (b) (7)(C)	b. Cell No.
		c. Fax No.	d. e-Mail
11. Address of party filing charge (street, city, state and ZIP code.) (b) (6), (b) (7)(C)		(b) (6), (b) (7)(C)	
I declare (b) (6), (b) (7)(C) statements therein are true to the best of my knowledge and belief.		Tel. No. (b) (6), (b) (7)(C)	
By (sig) (b) (6), (b) (7)(C) (Print/type name and title or office, if any)		Cell No.	
		Fax No.	
Address (b) (6), (b) (7)(C) (date) 7/29/2018		e-Mail (b) (6), (b) (7)(C)	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

SUBREGION 36  
Green-Wyatt Federal Building  
1220 SW 3rd Avenue, Suite 605  
Portland, OR 97204-2170

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (503)326-3085  
Fax: (503)326-5387

October 4, 2018

(b) (6), (b) (7)(C)

Re: Teamsters Local Union No. 305,  
International Brotherhood of Teamsters  
(Northwest Packing Co.)  
Case 19-CB-225896

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that Teamsters Local Union No. 305, International Brotherhood of Teamsters has violated the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

Your charge alleges that Teamsters Local Union No. 305, International Brotherhood of Teamsters ("Union"), failed to initiate a termination grievance on your behalf for reasons that are arbitrary, discriminatory or capricious. The investigation revealed that you contacted the Union after you received notification of your termination. The Union then conducted an investigation into the events surrounding your termination. Based on conversations with you, information it received from your employer, a review of the collective bargaining agreement, and review of the relevant attendance policy and documents pertaining to your attendance, the Union determined that a grievance contesting your termination would be unsuccessful. The Union proceeded to advise you that it could not help you.

In processing a grievance, a union retains broad discretion in disposing of a grievance short of arbitration and the violation turns not on the merits of the grievance, but rather, on whether the union exercised its discretion in a perfunctory or arbitrary manner. *Vaca v. Sipes*, 386 U.S. 171, 64 (1967). As the Union investigated your termination and concluded that it would not win on the merits, there is insufficient evidence that the Union acted in an arbitrary, discriminatory, or capricious manner by failing to file a grievance on your behalf. Therefore, further proceedings are not warranted and I am dismissing your charge.

**Your Right to Appeal:** You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

**Means of Filing:** An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at [www.nlr.gov](http://www.nlr.gov) and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at [www.nlr.gov](http://www.nlr.gov). You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

**Appeal Due Date:** The appeal is due on **October 18, 2018**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than October 17, 2018. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before October 18, 2018**. The request may be filed electronically through the **E-File Documents** link on our website [www.nlr.gov](http://www.nlr.gov), by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after October 18, 2018, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required


Teamsters Local Union No. 305,  
International Brotherhood of Teamsters  
(Northwest Packing Co.)  
Case 19-CB-225896

- 3 - October 4, 2018

by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

RONALD K. HOOKS  
Regional Director

By:   
JESSICA DIETZ  
Officer in Charge

Enclosure

cc: Paul Hays, Attorney  
10300 SW Greenburg Rd., Ste. 310  
Portland, OR 97223-5489

Teamsters Local Union No. 305  
1870 NE 162nd Ave.  
Portland, OR 97230-5642

Gale Baird, Regional Director  
Northwest Packing Co.  
PO Box 30  
Vancouver, WA 98660-1067